IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.17657 of 2008
MAHESH CHOUDHARY
Versus
STATE OF BIHAR
---

2. 12.5.08. Heard learned counsel for the petitioner and also A.P.P. for the State.

Learned Counsel for the petitioner has stated that the petitioner as Executive Engineer, Building Division had been assigned the monitoring the work of construction of several buildings and godowns and District T.B. Center at Supaul under the National T.B. Control Programme but as the buildings were not completed and handed over within the stipulated time, he has been made an accused in Supaul P.S. Case No. 144 of 2006 registered under Sections 420 and 409 I.P.C. for allegedly misappropriating huge Government funds.

If the building is not completed within the stipulated time, it can only amount to a breach of the terms of the contract but certainly no criminal offence arises.

In the event of arrest or surrender of the petitioner namely Mahesh Choudhary in the court below within three weeks from today, he shall be enlarged on bail on furnishing bail bond of Rs.10,000/-Ten thousand) to the satisfaction of the Chief Judicial Magistrate, Supaul, in connection with Supaul P.S. Case No. 144 of 2006, subject to the condition laid down under Section 438(2) Cr.P.C.

M. Pal. **(Abhijit Sinha, J.)**

WEB COPY NOT OFFICIAL